

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 6

January 10, 1995, 2:18 p.m.
Page S-707 Temp. Record

CONGRESSIONAL ACCOUNTABILITY ACT/Frequent Flyer Miles

SUBJECT: Congressional Accountability Act of 1995 . . . S. 2. McConnell amendment No. 8 to the Ford/Feingold amendment No. 4.

ACTION: AMENDMENT AGREED TO, 55-44

SYNOPSIS: Pertinent votes on this legislation include Nos. 2-5, 7-11, and 13-14.

As introduced, S. 2, the Congressional Accountability Act of 1995, will extend 11 civil rights and labor laws to the Senate, the House of Representatives, and the instrumentalities of Congress.

The McConnell second-degree perfecting amendment to the Ford/Feingold amendment would codify the existing policy under Senate rules that prohibits the conversion to personal use of frequent flyer miles accrued by Senators, Senate staff, and Senate employees while on official legislative business. Frequent flyer miles accrued would go to the office for which the travel was performed (the underlying amendment would give the accrued miles to the "Government"). The amendment would strike the provisions in the underlying amendment that would order the House to enact an identical ban.

The Ford/Feingold amendment would prohibit the conversion to personal use of frequent flyer miles accrued by Members, congressional staff, and congressional employees while on official legislative business, and would provide that such accrued frequent flyer miles would be the property of the Government.

NOTE: Following the vote, another second-degree perfecting amendment was offered to the Ford/Feingold amendment, as amended (see vote No. 10). Subsequently, the Ford/Feingold amendment was adopted by voice vote.

Those favoring the McConnell amendment contended:

Argument 1:

Though we are quite certain our colleagues have the noblest of intentions in proposing the Ford/Feingold amendment, we are also

(See other side)

YEAS (55)			NAYS (44)		NOT VOTING (1)	
Republicans (53 or 100%)	Democrats (2 or 4%)		Republicans (0 or 0%)	Democrats (44 or 96%)	Republicans (0)	Democrats (1)
Abraham	Hutchison	Campbell		Akaka		Rockefeller- ²
Ascroft	Inhofe	Lieberman		Baucus		
Bennett	Jeffords			Biden		
Bond	Kassebaum			Bingaman		
Brown	Kempthorne			Boxer		
Burns	Kyl			Bradley		
Chafee	Lott			Breaux		
Coats	Lugar			Bryan		
Cochran	Mack			Bumpers		
Cohen	McCain			Byrd		
Coverdell	McConnell			Conrad		
Craig	Murkowski			Daschle		
D'Amato	Nickles			Dodd		
DeWine	Packwood			Dorgan		
Dole	Pressler			Exon		
Domenici	Roth			Feingold		
Faircloth	Santorum			Feinstein		
Frist	Shelby			Ford		
Gorton	Simpson			Glenn		
Gramm	Smith			Graham		
Grams	Snowe			Harkin		
Grassley	Specter			Heflin		
Gregg	Stevens					
Hatch	Thomas					
Hatfield	Thompson					
Helms	Thurmond					
	Warner					

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

certain that passing it in its present form would have only negative results. Though the underlying amendment purports to apply to all of Congress, the fact is that Senate rules already prevent the conversion of frequent flyer miles to personal use. The Senate decided this issue long ago, and we unreservedly support its decision. This issue has also been raised in the House, where it has been decided differently. In other words, the effect of the underlying amendment would be to change House rules. Interestingly, during the past several decades when the House was under the partisan thumb of the Democrats, our Democratic Senate colleagues never found it necessary to introduce an amendment that was so clearly aimed at changing this House rule. It is even more odd that they suddenly find it necessary to offer this amendment, when they presumably know that the Republican leadership in the House has already begun a review of this rule and of private sector practices regarding frequent flyer miles to see if they should make changes.

Those observations aside, most Senators are aware that if we were to adopt an amendment that had as its only practical effect a change in House rules, the difficulty in passing this bill would increase. House Democrats and Republicans might be inclined to discuss this amendment at length in conference. Both bodies of Congress are jealous of their constitutional right to devise their own rules. Even when one body proposes to change the rules of the other body in a manner that is agreeable to the other body, objections are often made simply on the basis that each House should decide its own rules. Thus, though we do not suspect it is the intent of the sponsors of the Ford/Feingold amendment, passage of their amendment unamended would delay passage of S. 2.

We have offered the McConnell amendment to correct this problem. The McConnell amendment, appropriately, would apply restrictions only to the Senate, and would leave the House free to devise its own rules. It would also stipulate that any frequent flyer miles accrued would be the property of the office for which the travel was conducted. This second change is an improvement over the underlying amendment's nebulous award of these miles to the "Government."

We are still hopeful of passing a bill that is so close to the House-passed bill that the House will then agree to pass our bill without going to conference. Passing the McConnell amendment would remove the threat of delay that is inherent in the Ford/Feingold amendment by removing its improper application to the House. Therefore, we urge the adoption of the McConnell amendment.

Argument 2:

The arguments against passing an amendment to strip this perk from the House of Representatives are unpersuasive. House Members have no right to take for their own personal use a benefit that was accrued at public expense. This argument has nothing to do with the rules--neither body has any right to adopt rules that let its Members put their hands in the public till. In fact, we thought we took care of this problem last year when Senator McCain proposed an amendment on the Federal Acquisition Streamlining Act to make clear, in part, that frequent flyer miles accrued at Federal expense are the property of the Federal Government. Unfortunately, and erroneously, that law has been interpreted as not applying to Congress.

However, our colleagues are correct in their assessment that passage of the underlying amendment in its present form could very well cause a delay in the passage of S. 2, due to House objections. The recent election clearly demonstrated Americans' anger with Congress and their desire for its reform, and, for the good of the country, it is now our duty to act as quickly as we possibly can to restore Americans' faith in this institution. Passing S. 2 to make Congress live under the same laws that it imposes on everyone else is the first step we must take, and we must take it now. We are not pleased that the McConnell amendment to exempt the House from the underlying amendment is necessary, but the fact remains that it is, so we will give it our support.

Those opposing the amendment contended:

The objections to the Ford/Feingold amendment are without foundation. As a general rule, it is true that each House of Congress does not attempt to dictate the rules of the other, but it is also true that history is riddled with many, and major, exceptions to this rule. One very recent exception was the 1991 insistence by the House that the Senate modify its rules regarding official office accounts. When one House thinks an issue is clear, it has the right to propose that the other body change its rules. That right has often been exercised.

That right needs to be exercised again. The Senate must insist that House Members stop taking kickbacks at taxpayer expense. To put this issue in perspective, we doubt that any Member in either the House or the Senate would breath a word in favor of letting Members take cash bribes from airlines in return for using them for official travel. Such an arrangement would be tantamount to theft from the taxpayers who are paying for that travel. Giving free plane trips to Members for their personal travel is no different. Under the present House rules, when Representatives fly on official business they may buy expensive tickets that are only competitive with other airlines' ticket prices because of frequent flyer programs. They may then use the frequent flyer miles they accumulate to fly themselves, their families, and their friends to vacation resorts around the world. Some Senators say that the House may soon stop this theft anyway--fine, we will nudge it along by proposing that it stop right now. The McConnell amendment would let the House off the hook. It would let this congressional reform bill pass without stopping House Members from taking frequent flyer mile kickbacks. This amendment should be resoundingly rejected.